

Wilfred L. Lee Jr
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Pro Se Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

Wilfred L. Lee Jr.)	FIRST AMENDED COMPLAINT
Plaintiff,)	
)	
vs.)	CIVIL NO. 4 - 21 CV - 923 Y
)	EMPLOYMENT DISCRIMINATION
)	COMPLAINT
)	
20/20 Communications, Inc)	42 USC 2000e
aka 2020 Companies)	42 USC 1981
Best Buy Co, Inc.,)	Age Discrimination in Employment Act 1967
Samsung Electronics America, Inc.)	Tex.Civ.Prac & Rem. Code 73.001
Sara Wali)	
And Entity and Entities, Singular)	
And Plural, Known and Unknown)	
Past and Present et.al)	JURY TRIAL DEMAND
Defendant(s),)	
)	
_____)	

Jurisdiction

Jurisdiction is proper under 28 U.S.C 1331 and 28 U.S.C 1332.

Venue

Venue is proper pursuant to 28 U.S.C 1391.

Pro Se Plaintiff right to amend the complaint

Pro se Plaintiff reserves the right to amend this complaint as more and additional information, evidence of defendant come to the knowledge of Pro Se Plaintiff.

Parties

Plaintiff Wilfred L. Lee Jr.
91-1108 Kaimalie Street Ewa Beach, Hawaii 96706

Defendant 20/20 Communications, Inc. aka 2020 Companies
3575 Lone Star Circle #200 Fort Worth, Texas 76177

Defendant Samsung Electronics America, Inc.
85 Challenger Road, Floor 7 Ridgefield Park, New Jersey 07660

Defendant Best Buy Co, Inc.
7601 Penn Avenue South Richfield, Minnesota 55423

Defendant Sara Wali
3575 Lone Star Circle #200 Fort Worth Texas, 76177

Statement of Facts

1. On August 8, 2018 the Plaintiff became a applicant and candidate for a job titled Samsung Experience Consultant Lead located in Aiea, Hawaii with the Defendants.
2. It is a fact to the Plaintiff that upon becoming a applicant and candidate for the job (sic) "recruiters will review the candidate's resume submitted as well as experience provided by the candidate to determine if previous work experience qualifies them for the

job in question. If the recruiter determines the candidates work experience qualifies them for the role they will reach out to have a phone screen and discuss their work history, requirements of the job in question and target compensation. Once the recruiter determines the candidate is a potential fit they then schedule the candidate to interview with the hiring manager.” (See Exhibit A)

3. The 2020 Companies recruiter Kimberly McGee determined the Plaintiff’s work experience qualified them for the job. Recruiter McGee contacted Plaintiff for a phone screen, explaining the job was full time and scheduled them for an interview with hiring manager Samsung Electronics Field Operations Manager Defendant Sara Wali for the job. (See Exhibit B)
4. On or about August 9, 2018 the Plaintiff had an interview with Defendant Sara Wali for the job. The Samsung Field Operations Manager told Plaintiff during the interview they would contact them in a couple of days to be scheduled for a second interview with the General Manager of the job and they would get back to them to set that up.
5. Upon information and belief the Plaintiff upon hire would be managed by the Defendants and work inside the Aiea Hawaii, Best Buy store.
6. Upon information and belief a requirement of the job for those who worked in a Best Buy store previously, is a reference check with Best Buy management for that store. To learn if they are welcome back into the store. (See Exhibit C)
7. The Plaintiff was never contacted for a second interview with the Samsung Electronics General Manager for the job by Defendant Sara Wali.

8. On August 13, 2018 Plaintiff alleges due to their RACE(African American) Plaintiff was rejected for the job as a Samsung Experience Consultant Lead.
9. It is a fact after rejecting the Plaintiff for the job the position remained open.
10. On October 29, 2019 the Plaintiff became a applicant and candidate for the job of Samsung Experience Consultant Lead, located in Aiea, Hawaii with the Defendants.
11. Again 2020 Companies recruiter determines the candidates work experience (sic) "Qualifies them for the role they will reach out to have a phone screen" and schedule the candidate to interview with the hiring manager. " (See Exhibit A)
12. It is a fact that a different recruiter named Michel Pagliari determined the Plaintiff's work experience qualified them for the job. The recruiter contacted Plaintiff for a phone screen and quoted the salary as starting at \$21-\$24 dollars per hour, was full time and scheduled them for an interview with the Samsung Field Operations Manager for the job. (See Exhibit D)
13. The recruiter personally let the Plaintiff know that their "personality and positivity will be an asset to the team." (See Exhibit E)
14. On or about October 30, 2019 the Plaintiff had an interview with the Samsung Field Operations Manager Defendant Sara Wali for the job and they quoted the salary as starting at \$19-\$21 dollars per hour.
15. Defendant Sara Wali told Plaintiff during the interview they would contact them in a couple of days to be scheduled for a second interview with the General Manager of the job and they would contact them to set that up.

16. The Plaintiff had reason to believe they would be managed by the Defendants upon hire and work inside the Aiea Hawaii, Best Buy store.

17. The Plaintiff had reason to believe that a reference check with Defendant Best Buy Co, Inc, management for the Aiea, Hawaii Best Buy store would be completed.
(See Exhibit C)

18. Again the Plaintiff was never contacted for a second interview with the Samsung Electronics General Manager for the job.

19. On October 31, 2019 Plaintiff alleges due to their RACE(African American) and AGE(Over 40) the Plaintiff was rejected for the job.

20. It is a fact that the job remained open after rejecting the Plaintiff until December 11, 2019. (See Exhibit F)

21. It is a fact that ultimately on December 11, 2019 (sic)"The position was filed by Mr. Mina", a male of RACE(Two or more races) and who are AGE under 40.
(See Exhibit F)

22. Upon information and belief the Defendants did not say they rejected the Plaintiff for the job because of their work experience.

23. It is a fact that the following discriminatory acts occurred against the Plaintiff as a applicant and candidate of the job were, not having a reference check proceed to Best Buy Management as with other non African American and under age 40 applicants and candidates before being rejected; quoted the Plaintiff the lowest possible starting salary amount of \$19 per hour while non African American and under age 40 applicants and candidates were quoted the salary amount of \$24 per hour and higher; told another

candidate was selected for the job, although less Qualified RACES(Asian) and (Two or more races) and under age 40 applicants and candidates continued being sought; was subjected to the use of racial code words to identify them as, “wasn’t very articulate”.

24. It is a fact that after their rejection for the job they were additionally referred to by racial and ageist code words to identify them as “baggy-t shirt”.

25. Plaintiff alleges being subjected to racial animus and discriminatory animus from the Defendant 2020 Communications, Inc., Defendant Samsung Electronics America, Inc., Defendant Best Buy Co, Inc., and Defendant Sara Wali

26. The Plaintiff alleges that qualified for the job they were rejected for the job due to their RACE(African American). It is a fact that after Plaintiff’s rejection RACE(Asian) and (Two or more races) applicants and candidates were still sought for the job months later.

27. The Plaintiff alleges that qualified for the job they were rejected for the job due to their AGE(Over the age of 40). It is a fact that after Plaintiff’s rejection for AGE(Over 40) a Younger applicant and candidate for the job was hired months later.

28. As a result of the rejection for the job due to their RACE(African American) and AGE(Over 40) the Plaintiff has suffered lack of income, mental anguish, mental distress, emotional trauma, psychiatric mayhem, loss of enjoyment in life and the inability to seek and obtain gainful employment.

29. The Plaintiff filed a EEOC charge for Title VII (Race) and Age Discrimination Employment Act (ADEA) EEOC charge against the Defendant 2020 Communications, Inc. aka 2020 Companies; Defendant Samsung Electronics America, Inc. on November 14, 2019 (See Exhibit G)

30. The Plaintiff on May 26, 2021 received their EEOC a right to sue letter. (See Exhibit H)

FIRST CLAIM FOR RELIEF

Fail to Hire Job Application Based on Race in Violation of Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C 2000e-2(a)

31. Plaintiff alleges and re-alleges, repeats and reiterates with force from paragraph 1 to paragraph 30.

32. Title VII of the Civil Rights Act of 1964, as amended, makes it unlawful for an employer “(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.” 42 U.S.C. § 2000e-2(a).

33. On October 31, 2019 the Plaintiff was rejected for employment because of their RACE (African American) as an applicant and candidate for the job titled Samsung Experience Consultant Lead.

34. It has been established and is undisputed that the Plaintiff applied for and was found to be qualified for the job, was rejected for the job despite being qualified for the job, and the job remained open.

35. As a result of this Discrimintaion the Plaintiff has suffered lack of income, mental anguish, mental distress, emotional trauma, psychiatric mayhem, loss of enjoyment in life and the inability to seek and obtain gainful employment.

36. Plaintiff alleges the above claim against the following, Defendant 2020 Communications, Inc and Defendant Samsung Electronics America, Inc.

SECOND CLAIM FOR RELIEF

Discrimination on the Basis of Race in Violation of 42 U.S.C 1981(a)

37. Plaintiff alleges and re-alleges, repeats and reiterates with force from paragraph 1 to paragraph 36.

38. 42 U.S.C. 1981 was originally enacted as the first section of the Civil Rights Act of 1866.

Section 1981(a) provides the following: All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to the like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

39. On August 13, 2018 the Plaintiff was subjected to rejection for a job because of their RACE (African American) as an applicant and candidate for the job Samsung Experience Consultant Lead.

40. On October 31, 2019 the Plaintiff was subjected to rejection for a job because of their RACE (African American) as a applicant and candidate for the job Samsung Experience Consultant Lead.

41. The Plaintiff is a member of the African American minority group, has been over a two year period to make a contract for the job with the Defendants when they rejected them each time from 2018-2019.

42. The rejection of the Plaintiff for the job included the use of racial code words for identifying them as an African American applicant and candidate.

43. The Plaintiff alleges discriminatory animus and racial animus when attempting to make a Contract against the Defendants.

44. As a result of this Discrimintaion the Plaintiff has suffered lack of income, mental anguish, mental distress, emotional trauma, psychiatric mayhem, loss of enjoyment in life and the inability to seek and obtain gainful employment.

45. Plaintiff alleges the above claim against the following, Defendant 2020 Communications, Inc; Defendant Samsung Electronics America, Inc.; Defendant Best Buy Co. Inc., Defendant Sara Wali.

THIRD CLAIM FOR RELIEF

Age Discrimination in Voilation of The Age Discrimination in Employment Act 1976

46. Plaintiff alleges and re-alleges, repeats and reiterates with force from paragraph 1 to paragraph 45.

47. The Age Discrimination in Employment Act of 1967 (ADEA) protects certain applicants and employees 40 years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment.

48. On October 31, 2019 the Plaintiff was rejected for employment because of their AGE (Over 40) as a applicant and candidate for the job Samsung Experience Consultant Lead job.
49. Plaintiff was additionally referred to by the ageist code words to identify them as over 40 year of age, "baggy-t shirt".
50. Having been established and undisputed that on or about October 29, 2019 the Plaintiff who in 2019 is of AGE(Over 40), was found to be qualified for the job, was rejected for the job despite being qualified; and a younger person was hired for the job on December 11, 2019.
51. Plaintiff alleges the above claim against the following, Defendant 2020 Communications, Inc; Defendant Samsung Electronics America, Inc.

FOURTH CLAIM FOR RELIEF

Libel Per Se in Violation of Tex.Civ.Prac & Rem. Code 73.001

52. Plaintiff alleges and re-alleges, repeats and reiterates with force from paragraph 1 to paragraph 51.
53. 73.001. ELEMENTS OF LIBEL under Texas State code, libel per se is a defamation expressed in written or other graphic form that tends to blacken the memory of the dead or that tends to injure a living person's reputation and thereby expose the person to public hatred, contempt or ridicule, or financial injury or to impeach any person's honesty, integrity, virtue, or reputation or to publish the natural defects of anyone and thereby expose the person to public hatred, ridicule, or financial injury.

54. On this date July 16, 2021 Plaintiff first learned of the libel statements written about them. Under the Freedom of Information Act the Plaintiff received the EEOC file of their discrimination charge.

55. The per se libel statements made about Plaintiff are, “wasn’t very articulate”, “attire was not professional”, “Wilfred chose to wear a baggy T-shirt”, “lacked confidence”, (sic) “he could not properly articulate responses”, “be a concern as it comes to building relationships with store associates and management”

56. Plaintiff learned that these statements were made in writing to The Equal Employment Opportunity Commission and have been published by the agency under the Freedom of Information Act.

57. Upon information and belief these statements were first written by Defendant Sara Wali And provide for publishing by Defendant 2020 Communications, Inc. from Fort Worth, Texas by the internet to the third party.

58. As a consummate salesman with a decade of experience these false statements have the current and ongoing effects of reputational and material harm for the Plaintiff in their field of brand evangelism.

59. The statements made relate to the Plaintiff’s profession and are detrimental to their reputation and the decade-long career they have built as part of their livelihood.

60. Plaintiff alleges the above claim against the following, Defendant 2020 Communications, Inc., and Defendant Sara Wali.

REQUEST FOR RELIEF

WHEREFORE, the Plaintiff prays for relief as follows:

61. **FIRST CLAIM FOR RELIEF**, Fail to Hire Job Application Based on Race in Violation of Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C 2000e-2(a); damages in the amount of THREE HUNDRED THOUSAND DOLLARS each from Defendant 2020 Communications, Inc and Defendant Samsung Electronics America, Inc.
62. **SECOND CLAIM FOR RELIEF**, Discrimination on the Basis of Race in Violation of 42 U.S.C 1981(a); damages in the amount of ONE MILLION DOLLARS each from Defendant 2020 Communications, Inc; Defendant Samsung Electronics America, Inc., Defendant Best Buy Co, Inc. and Defendant Sara Wali.
63. **THIRD CLAIM FOR RELIEF**, Age Discrimination in Violation of The Age Discrimination in Employment Act 1976; damages for back pay from date of job application through this action, damages for front pay for twenty years, each from Defendant 2020 Communications, Inc; Defendant Best Buy Co, Inc; and Defendant Samsung Electronics America, Inc.
64. **FOURTH CLAIM FOR RELIEF**, Libel Per Se in Violation of Tex.Civ.Prac & Rem. Code 73.001; damages in the amount of ONE MILLION DOLLARS each from Defendant 2020 Communications, Inc. and Defendant Sara Wali.
65. A Court order for interest on damages, pre- and post - judgement interest and such other and further relief as this Court deems just and proper.

Dated: November 5 , 2021

Respectfully,

/s/ Wilfred L. Lee Jr.
Signature of Pro Se Plaintiff

Wilfred L. Lee Jr.
Pro Se Plaintiff Name